

SS SCS SB 2 -- Abortions

Sponsor: Loudon

This substitute changes the laws regarding abortions.

PUBLIC FUNDS FOR ABORTIONS

The substitute prohibits the expenditure of public funds to existing or proposed health and social services programs that directly or indirectly subsidize abortion services. An entity that is affiliated with another entity that provides abortion services may only receive public funds if the affiliated entity is an independent affiliate. Entities that provide counseling to pregnant women and receive public funds may only provide non-directive pregnancy counseling and may not display or distribute material promoting abortion services.

Entities that receive public funds are required to maintain records that demonstrate strict compliance with this section. An independent audit of these entities must be conducted at least once every three years. If the recipient of public funds is affiliated with an entity that provides abortion services, an audit must be conducted each year to ensure compliance. The substitute includes exceptions for reimbursement to entities that provide services that are required under federal Medicaid regulations and certain services required under the federal Public Health Services Act.

ABORTION REGULATIONS

The definitions of "department" and "medical emergency" are added to the laws regarding the regulation of abortions. It specifies that the term "next friend" as it relates to consent to abortion for minors does not include another minor child or any person who has a financial interest or personal gain from a minor's decision to have an abortion. A physician performing an abortion must report on every procedure, providing information on the type of procedure used; reasons the woman sought the abortion; and whether the woman used any method of family planning.

A penalty provision is revised pertaining to the performance of actions contrary to current law and the nonperformance of required actions under current law. The defense of performing or not performing an action because of a medical emergency is established. Currently, a physician who performs an abortion and does not have surgical privileges at a hospital that offers obstetrical or gynecological care is guilty of a class B felony. The substitute specifies that a physician who performs or induces an abortion and does not have clinical privileges at a hospital that provides obstetrical or gynecological care within 30 miles of the location where the abortion is performed is guilty of a

class A misdemeanor. The substitute prohibits a person from intentionally causing, aiding, or assisting a minor to obtain an abortion without the consent from a parent or a judicial decree. Any person who is subject to the jurisdiction of the State of Missouri and violates this provision will be civilly liable to persons adversely affected by the action. If civil liability is established, a court may award damages, including compensation for emotional injury, attorney fees, and court costs to any person adversely affected. However, damages may not be awarded to any person who has committed rape or incest or has knowingly allowed rape or incest to be committed against a minor who obtains an abortion.

A person is not allowed to assert as a defense a claim that the abortion was performed in accordance with the required consent of the state or the place where the abortion was performed. An unemancipated minor is prohibited from having the capacity to consent to any action in violation of the substitute or Section 188.028, RSMo.

A court may enjoin conduct in a violation of the substitute upon a petition by the Attorney General, a prosecuting attorney, a circuit attorney, or a person adversely affected or who may be adversely affected. In order for a court to enjoin any violation, there must be a showing that the conduct has occurred in the past and that it is not unreasonable to expect that it will be repeated or that it is reasonably anticipated to occur in the future.

An establishment that performs or induces second- or third-trimester abortions or five or more first-trimester abortions per month is added to the definition of "ambulatory surgical center" for the purpose of regulating these centers.

ALTERNATIVES TO ABORTION SUPPORT FUND AND RESPECT LIFE COMMISSION

The substitute allows for a special license plate bearing the words "Respect Life," with an image of a single red rose. There is no limit on the number of plates an individual may obtain, as long as they either solely or jointly own the vehicle and pay the \$25 annual or \$50 biennial registration fees. The substitute also establishes the Alternatives to Abortion Support Fund and the Respect Life Commission.

Regarding the Alternatives to Abortion Support Fund, the substitute:

- (1) Requires the State Treasurer to deposit into this fund appropriations from the General Assembly and any amounts received from general revenue or other sources;
- (2) Requires the amount in this fund to exceed \$1 million before

more than half of the money credited to the fund plus all investment earnings credited during the previous fiscal year can be available for disbursement. When the State Treasurer certifies that assets in the fund exceed \$1 million, all earnings plus future credits from all sources will be available for disbursement;

(3) Prohibits funds from being distributed to any person or entity that performs, induces, or refers for abortions; and

(4) Promotes childbirth and supports alternatives to abortion by grants or contracts.

Regarding the Respect Life Commission, the substitute:

(1) Stipulates that the commission will consist of a number of members equal to the number of congressional districts, to serve four-year terms with the consent of the Senate;

(2) Requires eligible persons to demonstrate an agreement with the principles of respect for human life and the need to promote childbirth;

(3) Requires each member to serve without compensation, but allows for the reimbursement of any expenses incurred;

(4) Requires the commission to consult with state agencies, commissions, boards, and public and private agencies to determine the effectiveness and need for programs that promote human life;

(5) Authorizes the commission to disburse funds from the Alternatives to Abortion Support Fund;

(6) Requires the commission to develop statewide educational and public informational programs to promote awareness and identify the problems and conditions that cause some women not to carry their pregnancies to term;

(7) Allows the commission to appoint an executive director, responsible for the administrative operations of the commission and to hire staff; and

(8) Requires the commission to submit an annual report of its activities by December 31 of each year to the President Pro Tem of the Senate, the Speaker of the House of Representatives, and the Governor.